

Benjamin H. Zieman, Esq. (082712013)

ANDERSON & SHAH LLC

457 Haddonfield Road, Suite 120

Cherry Hill, New Jersey 08002

856-393-2371 (p); 856-528-1700 (f)

bzieman@andersonshahlaw.com

Attorney for Defendants Atlantic City Board of Education, former Superintendent Paul A. Spaventa, and current Superintendent Barry Caldwell

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

JANE DOE, on behalf of JOHN DOE,
her minor child,

Plaintiffs,

v.

MARTY SMALL, SR., et al.,

Defendants.

Hon. Joseph H. Rodriguez, U.S.D.J.

Hon. Sharon A. King, U.S.M.J.

Docket No. 1:21-cv-11189-JHR-SAK

**ORDER GRANTING MOTION TO
DISMISS PURSUANT TO
FED. R. CIV. P. 12(B)(6)**

This matter having come before the Court on a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) by Benjamin H. Zieman, Esq., appearing on behalf of Defendants Atlantic City Board of Education, former Superintendent Paul A. Spaventa, and current Superintendent Barry Caldwell; and the Court having considered the papers submitted herein, this matter being decided under Fed. R. Civ. P. 78, and for good cause shown,

It is on this _____ day of _____, 20 ____

ORDERED that the motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) is hereby **GRANTED**; and it is further

ORDERED that the following claims in the complaint are hereby dismissed for failure to state a claim: (a) all claims against Spaventa and Caldwell in Counts 1-3, 5-6, and 8, and (b) all claims against the Board in Counts 1-3 and 5-8 except for the vicarious liability components of Counts 5 and 6 which are based on Principal Small's alleged negligence and gross negligence in the performance of her official duties.

Hon. Joseph H. Rodriguez, U.S.D.J.

____ Opposed

____ Unopposed